

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

JEFFREY RABKIN (CSBN 189798)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7167

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
PASQUALE IANNETTI,)
)
Defendant.)

Crim. No. 09-850 (VRW)

**UNITED STATES' UNOPPOSED
MOTION AND ~~PROPOSED~~ ORDER
RE: DATE TO FILE OPPOSITION
TO DEFENDANT'S MOTION TO
SUPPRESS**

Date: May 27, 2010
Time: 2:00 p.m.

This is an art fraud case. The defendant, who owned an art gallery in San Francisco, has been charged with fraudulently selling counterfeit Miro prints.

On March 19, 2010, the defendant filed a motion to suppress statements he made to law enforcement on February 20, 2008. The gravamen of the defendant's argument is that his statements should be suppressed because he was in custody and had not been advised of his Miranda rights. The government's opposition brief is currently due on April 27, 2010. The defendant's reply is due on May 11, 2010 and the parties are

1 scheduled to appear before your Honor to discuss the motion on May 27, 2010.¹

2 As the Court is aware, until now the government has been represented by Assistant
3 United States Attorney Susan E. Badger. AUSA Badger previously sought an extension
4 of the government's deadline to file an opposition to the defendant's motion to suppress
5 due to the unexpected hospitalization of her mother. On April 20, 2010, I filed a notice of
6 appearance in this case as it currently appears that AUSA Badger may be required to take
7 a leave of absence in order to care for her mother. Until now, I have had no involvement
8 in the investigation or prosecution of this matter.

9 After reviewing the defendant's motion and speaking with defense counsel, the
10 government respectfully requests that the Court permit the government to file its
11 opposition on May 4, 2010 (giving the government an additional week to respond). This
12 additional time will be helpful in that it will provide me with sufficient time to learn the
13 facts of the case, research the pertinent legal issues raised by the defendant's motion and
14 draft an opposition brief. The defense has no objection to the government's request, and
15 the parties do not currently believe that this modification of the briefing schedule will
16 require an extension of the defendant's time to file a reply brief or a continuance of the
17 currently-scheduled May 27, 2010 hearing date on the motion.

18
19 Respectfully submitted,

20 JOSEPH P. RUSSONIELLO
21 United States Attorney

22 Dated: April 21, 2010


23 /s/
24 JEFFREY RABKIN
25 Assistant United States Attorney

26
27 ¹ The parties currently expect the Court will, at that time, determine whether a further
28 evidentiary hearing is necessary to adjudicate the defendant's motion.

1 IT IS SO ORDERED:

2
3 Dated: April 22, 2010

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Hon. Judge Vaughn R. Walker
United States District Judge